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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/088,237	03/18/2002	Gregory Bores	2267.507WOUS	1703	
24113 7	7590 04/13/2004		EXAMI	EXAMINER	
PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.			FOSTER, JIMMY G		
4800 IDS CEN 80 SOUTH 8T	· <del></del>		ART UNIT	PAPER NUMBER	
MINNEAPOL	IS, MN 55402-2100		3728	5	
			DATE MAIL ED: 04/13/2004	, ,	

Please find below and/or attached an Office communication concerning this application or proceeding.

	<u> </u>			رحم				
		Application No.	Applicant(s)					
.7		10/088,237	BORES ET AL.					
	Office Action Summary	Examiner	Art Unit					
		Jimmy G Foster	3728					
Period f	The MAILING DATE of this communication ap for Reply	pears on the cover sheet with th	e correspondence address					
THE - Ext afte - If th - If N - Fail	MAILING DATE OF THIS COMMUNICATION. ensions of time may be available under the provisions of 37 CFR 1.7 CFR 1.7 (6) MONTHS from the mailing date of this communication. He period for reply specified above is less than thirty (30) days, a replo period for reply is specified above, the maximum statutory period fure to reply within the set or extended period for reply will, by statute or reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply be ly within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS fi e, cause the application to become ABANDO	e timely filed  days will be considered timely.  rom the mailing date of this communication.  DNED (35 U.S.C. § 133).					
Status	·							
1)⊠	Responsive to communication(s) filed on 26 J	lanuary 2004.						
2a) <u></u>		s action is non-final.						
3)	·							
	closed in accordance with the practice under	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.					
Disposi	tion of Claims							
4)⊠	Claim(s) 1-23 is/are pending in the application	1.						
	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)⊠	Claim(s) <u>1-4 and 10-23</u> is/are allowed.							
6)⊠	Claim(s) <u>5-9</u> is/are rejected.							
7)	Claim(s) is/are objected to.							
8)□	Claim(s) are subject to restriction and/or election requirement.							
Applica	tion Papers							
9)[	The specification is objected to by the Examine	er.						
·	The drawing(s) filed on is/are: a) acc		ne Examiner.					
	Applicant may not request that any objection to the	drawing(s) be held in abeyance.	See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the correct	ction is required if the drawing(s) is	objected to. See 37 CFR 1.121(d).					
11)	The oath or declaration is objected to by the E	xaminer. Note the attached Off	ice Action or form PTO-152.					
Priority	under 35 U.S.C. § 119							
a	Acknowledgment is made of a claim for foreign  All b) Some * c) None of:  1. Certified copies of the priority document  2. Certified copies of the priority document  3. Copies of the certified copies of the priority document  application from the International Bureat  See the attached detailed Office action for a list	ts have been received. ts have been received in Applic prity documents have been rece nu (PCT Rule 17.2(a)).	cation No eived in this National Stage					
Attachme	• •	ο <u>Π</u>	(DTO 440)					
	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948)	4) ∐ Interview Summ Paper No(s)/Mai						
3) 🔲 Info	rmation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) er No(s)/Mail Date		al Patent Application (PTO-152)					

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- 1) Claims 1-4 and 10-23 are allowable.
- 2) Claims 5-9 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 5, line 14, there is no antecedent basis for "the handle", making the positively recited structure unclear. Related to this problem, claim 6 indefinitely doubly recites the handle set forth in claim 5, making it unclear how may handles are referred to by the claim.
- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 4) Claim 5 is rejected under 35 U.S.C. § 102(b) as being anticipated by Nyseth (5,711,427). Nyseth provides the following: a container at 20, a door frame 60, a door at 24, a front door cover at 86, a rear door cover at

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96, latch receptacles at 72,74, a latching portion at 118, a motion translation portion at 110,120, and a handle actuation portion at 81. The handle actuation portion is capable of receiving robotic actuation.

The container includes wafer support shelves.

Figure 15 shows an embodiment with the front cover 86 removed. Accordingly, the translation portion is exposed.

5) Claims 5 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Nyseth et al (5,915,562). Nyseth provides the following: a container at 20, a door at 24 or 224, latch receptacles at 72,74, a latching portion at 118 or 318, a motion translation portion at 110,120 or 310, and a handle actuation portion at 81 or 302. The handle actuation portion is capable of receiving robotic actuation.

The container includes wafer support shelves.

Figure 15 shows an embodiment with the front cover 86 removed.

Accordingly, the translation portion is exposed.

Regarding claim 6 of Applicant, the embodiment of Figures 18A,18B,19A,19B,20 and 21, shows the front cover 285 or 286 removed.

Accordingly, the translation portion 310 is exposed. The disclosure of this embodiment (see column 6, lines 33-35) is described as including the manually operable handles 302, which are of the type shown in the embodiment of Figure 16, and as including an insertable key hole, which is key hole 278, also shown in Figure 16. Accordingly, claim 6 is anticipated by the reference of Nyseth et al.

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6) Claims 7-9 would be allowable if rewritten to overcome the rejection under 35 U.S.C.  $\S$  112 and to include all of the limitations of the base claim

and any intervening claims.

7) Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Jimmy G Foster whose telephone number

is (703) 308-1505. The examiner can normally be reached on Mon-Fri, 8:45 am

- 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax

phone number for the organization where this application or proceeding is

assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the receptionist whose

telephone number is (703) 308-1148.

rimary Examin

art Unit 3728

JGF

12 April 2004